(B)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

M.A. NO. 416 /2002

APPELLANT : Dwarika Prasad, S/o Lalan Ram, caste Koir, aged about 21 years, occupation and agriculture, R/o Village Chhindia, thana & PO. Patana, Tahsil Baikunthpur, Distt. : Korea (CG)
CLAIMANT

P. R. No. 1041/12
Presented by Shri Ashok Shukla
dated 18/09/12

VERSUS

RESPONDENTS : 1) National Insurance Company Limited, through Branch Manager, Korba Branch, PO. Korba, Distt. Korba (CG)
NON-APPLICANTS

(INSURER)

2) Ramlal Jaiswal, S/o Mahadev Prasad Jaiswal, aged about 41 years, R/O Village Chhindia, thana & Po. Patana, Tahsil Baikunthpur, Distt. Korea (C.G.)

(OWNER)

3) Santlal S/o Budhram, aged about 29 years, occupation driver, R/o Village Bardia, thana & Po. Patana, Tahsil – Baikunthpur, Distt. Korea (C.G.)

(DRIVER)

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT 1988 FOR ENHANCEMENT OF THE AMOUNT OF AWARD

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... MA 416/02 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-12-2006

Shri Ashok Shukla and Shri O.P. Yadav, counsel for the appellant.

Shri Anand Kumar Gupta, counsel for respondent No.1/Insurance Company.

None for respondents No.2 & 3.

The case was listed before Lok Adalat, but could not be compromised; therefore, it was referred to the Court for regular hearing.

Learned counsel for both the parties are heard finally.

Learned Additional Motor Accident Claims Tribunal, Surajpur, (henceforth 'the Tribunal') vide award dated 31-1-2002 allowed the compensation of Rs.3000/- to the appellant.

Feeling aggrieved this appeal under Section 173 of the Motor Vehicles Act, 1988 (henceforth 'the Act, 1988') has been preferred for enhancement of compensation.

Dwarika Prasad (PW-1) in his statement has stated that he received injuries on his right ankle, left knee and other parts of the body. He was medically examined. So far as injuries are concerned, his statement is duly corroborated with medical examination report (Ex.P/3). He also deposed that he is under treatment and he incurred expenditure to the tune of Rs.50,000/-, his working efficiency has been reduced. To support the above evidence no Medical Officer has been examined.

During arguments learned counsel for the appellant contended that atleast appellant should have been awarded an amount of Rs.10,000/-.

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MA 416/02 **सन्** **200**

(16)

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Medical Officer has not been examined and it appears that due to ignorance appellant could not submit medical vouchers and failed to call Medical Officer for evidence, but it is a known factum that whenever a person met with an accident such person remains under shock, pain and agony. An amount of Rs.3000/- towards compensation appears to be a meager sum, if in place of Rs.3000/- it would have been Rs.8000/- that should have been a just compensation.

In the result, the appeal of the appellant is partly allowed. Respondent No.1/Insurance Company is directed to pay an amount of Rs.5000/- (Rupees Five Thousand Only) in addition to what has already been awarded by the Tribunal.

The aforesaid amount shall be paid within a month from today and in default respondent No.1 shall pay interest at a rate of Rs.9% per annum till realization. Respondent No.1 shall also pay costs of the appeal to the appellant and towards counsel fee shall pay an amount of Rs.500/- (Rupees Five Hundred Only).

Sd/-
V.K. Shrivatava
Judge

Gowri

(पीछे देखिये)

2/3/12